

1 By: Jim Whitaker, Mayor  
2 Mike Musick  
3 Introduced: 08/20/09  
4 Advanced: 08/20/09  
5 Substituted: 09/24/09  
6 Adopted: 09/24/09  
7

8 FAIRBANKS NORTH STAR BOROUGH

9  
10 ORDINANCE NO. 2009-39

11 AN ORDINANCE AMENDING FNSB CHAPTER 8.12 CONCERNING THE  
12 RECYCLING PROGRAM AND REESTABLISHING OR CONTINUING THE  
13 RECYCLING COMMISSION, EXEMPTING RECYCLING CONTRACTS FROM TITLE  
14 16, AND AMENDING THE FY 2009-10 BUDGET BY APPROPRIATING \$65,000  
15 FROM THE GENERAL FUND TO THE SOLID WASTE DISPOSAL PROJECT FUND  
16 FOR RECYCLING  
17

18  
19 WHEREAS, the recycling program set forth in Chapter 8.12 of borough  
20 ordinances needs to be updated and revised; and

21  
22 WHEREAS, the current legal status of the Recycling Commission is  
23 unclear as it was not, within six years from the date of its creation, affirmatively  
24 continued or terminated by the Assembly as required by FNSB 2.21.180; and,

25  
26 WHEREAS, a majority of citizens desire a cost effective and sustainable  
27 recycling program; and,

28  
29 WHEREAS, the Fairbanks North Star Borough has conducted several  
30 recycling analyses; and,

31  
32 WHEREAS, each analysis has concluded that recycling has an inherent  
33 benefit and cost; and,

34  
35 WHEREAS, the Borough administration has concluded that a cost  
36 effective recycling program must include an avoided cost component as a financial  
37 means to achieve a sustainable program; and,

38  
39 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
40 North Star Borough:  
41

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Text to be *added* is underlined  
Text to be *deleted* is [BRACKETED AND CAPITALIZED]

42 Section 1. Sections 2, 3, 4, 5, 7, 8, and 9 are of a general and permanent  
43 nature and shall be codified. All other sections are not of a general and permanent  
44 nature and shall not be codified.

45  
46 Section 2. FNSB 8.12.011. is amended as follows:

47 The declared purpose of this chapter is the protection of the public health, safety  
48 and welfare of the people of the Fairbanks North Star Borough. The chapter and any  
49 regulations promulgated pursuant thereto are intended to:

50 A. Control dumping and disposal of solid waste at such place and in such  
51 manner that it will not be a detriment to the health, safety and welfare of the citizens of  
52 the borough;

53 B. Provide facilities for the proper disposal of solid waste at minimum cost;

54 C. Reduce litter and littering;

55 D. Promote resource recovery, recycling and reuse of solid waste;

56 E. Preserve and enhance the beauty and quality of our environment;

57 F. Promote responsible agricultural practices and encourage economic  
58 activity.

59 No section of this Chapter should be interpreted as prohibiting residents from  
60 reusing articles from the waste stream discarded at a borough transfer site.

61  
62 Section 3. FNSB 8.12.021, Definitions, is amended, in part, as follows:

63 “Avoided costs” means the savings realized by the borough if recyclables are  
64 diverted from the landfill or separated from the waste stream prior to being deposited in  
65 the landfill or a transfer station. Avoided costs shall not include hauling costs avoided  
66 by the City of Fairbanks. Avoided hauling costs of the borough shall only include  
67 avoided residential costs of hauling recyclables from outside the City of Fairbanks. To  
68 determine avoided hauling costs, the recyclables shall be apportioned by weight based  
69 on population of the City of Fairbanks and Borough residents outside the City of  
70 Fairbanks. Furthermore, those costs shall be apportioned between commercial and  
71 residential as determined by the MacTech Study or other comparable study as selected  
72 at the sole discretion of the Mayor.

73  
74 Section 4. FNSB 8.12.033 E. is amended as follows:

75 The borough shall waive in whole or in part the [CHARGE A REDUCED] tipping  
76 fee to persons, [AND] businesses and entities which separate recyclable materials into  
77 lots designated by the Borough which may include [CONSISTING ENTIRELY OF]  
78 aluminum, glass, plastic, cardboard, [OR] mixed paper, newspaper, electronics or wood  
79 products in loads delivered to the landfill. A waiver may be granted for other materials,  
80 if recommended by the Commission and approved by the Mayor with notification to the  
81 Assembly. The waiver shall be no [LESS THAN 20 PERCENT NOR] greater than 100  
82 percent of the tipping fee. [THE BOROUGH SHALL GRANT THIS WAIVER FOR ALL  
83 LOADS OF MATERIALS WHICH CONSIST ENTIRELY OF ALUMINUM, GLASS,

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84 CARDBOARD, PAPER OR WOOD PRODUCTS; NO WAIVER SHALL BE GRANTED  
85 FOR OTHER MATERIALS, NOR FOR NON-SEPARATED LOADS OF RECYCLABLE  
86 MATERIALS] Non-separated loads of recyclables shall not receive a waiver. The mayor  
87 is authorized to establish a rate schedule for such waivers.  
88

89 Section 5. FNSB 8.12.033 F. is amended as follows:

90 It is the policy of the Fairbanks North Star Borough to encourage reduction, reuse  
91 and recycling [RECYCLING, REUSE AND REDUCTION] of solid wastes generated in  
92 the borough. These efforts may [SHALL] include payment of a portion of actual avoided  
93 costs of hauling and land filling to approved recyclers/reusers not to exceed \$175,000.  
94 Subject to appropriation, avoided costs, less a 25% reduction, may be paid to approved  
95 recyclers when documentation is provided to show that materials separated as  
96 recyclables have been [SOLD OR OTHERWISE] removed from the waste stream by  
97 recycling within the current fiscal year. Twenty-five percent of avoided costs may be  
98 paid to a fund established to maintain the efforts of the Commission.  
99

100 Section 6. The Recycling Commission is hereby affirmatively continued or  
101 reestablished for a period of six years. Notwithstanding FNSBC 2.21.110, the mayor  
102 shall appoint the chairman of the commission for the first year.  
103

104 Section 7. FNSB 8.12.034 regarding the Recycling Commission is  
105 amended as follows:

106 A. There is established in accordance with Chapter 2.21 FNSBC the  
107 Fairbanks North Star Borough commission on recycling which shall consist of [FIVE]  
108 seven members appointed by the mayor and confirmed by the assembly. The  
109 commission shall meet at least quarterly.

110 B. The duties of the commission are as follows:

111 1. Monitor the recycling program and monitor the payment of avoided costs  
112 to approved recyclers;

113 2. Increase public awareness of the recycling program through advertising  
114 and other means;

115 3. Recommend changes to the program as the markets for recyclables  
116 become available;

117 4. Recommend to the administration, [IF APPROPRIATE, PRE-]approved  
118 recyclers authorized to remove recyclable materials from the waste stream and eligible  
119 to receive payment for tonnage of materials that will not be placed in or transported to  
120 the landfill;

121 5. Make long range recycling policy recommendations;

122 6. Recommend [GUIDELINES FOR RESCISSION OF APPROVAL]  
123 termination of any contract previously granted to a recycler should it, in the judgment of  
124 the commission, acting pursuant to commission adopted guidelines, become necessary;

125 7. Submit an annual, proposed budget to the mayor for assembly approval;

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126 8. Submit an annual report to the mayor and assembly.  
127 9. Recommend changes to the recycling program including ordinance or  
128 other policy changes.

129 **10. Make recommendations concerning appropriations from the local**  
130 **recycling program special revenue fund.**

131  
132 Section 8. FNSB 8.12.035 is amended as follows:

133 A. The recycling commission shall recommend to the administration those  
134 recyclers authorized to remove recyclables for the purpose of reuse, or remanufacture  
135 who will be eligible to receive payment for tonnage of materials that will not be placed in  
136 the landfill. The commission shall evaluate proposals from recyclers. The evaluation  
137 criteria [FOR APPROVAL] will include the following:

138 1[A]. Valid Alaska business license and City license if applicable;  
139 2[B]. Proof of financial resources in proportion to the business purpose;  
140 3[C]. Authorized site approval documentation by DEC and FNSB, if  
141 necessary;

142 4[D]. Submission and approval of a business plan to show:  
143 a[1.] Type(s) of materials to be recycled or shipped;  
144 b[2]. Location of approved material sites including appropriate site  
145 zoning;

146 c[3]. Estimated [N]number of tons to be recycled each month;  
147 d[4]. Program start date for waste generated after specified date;

148 and  
149 e[5]. Consistency with the borough's overall recycling plan.

150 5. The overall impact on the goal of recycling and reduction of solid  
151 wastes generated in the borough.

152 B. Notwithstanding FNSBC 16.30.010-080, the mayor or his designee may  
153 enter into a contract with any or all recyclers recommended by the recycling commission  
154 and who demonstrate an ability to make a significant positive impact on the borough's  
155 recycling plan goals sufficient to justify the cost of the contract. No funds shall be paid  
156 pursuant to FNSBC 8.12.033 F to a recycler until a contract has been agreed to and  
157 signed by the Borough and recycler. The contract shall not exceed a term of 10 years.  
158 The contract must include a provision authorizing termination at will by the Mayor.

159  
160 Section 9. FNSB 8.12.036 is deleted. [THERE IS ESTABLISHED THE  
161 RECYCLING PROMOTION SPECIAL REVENUE FUND. THE RECYCLING  
162 PROMOTION FUND SHALL BE USED TO ACCOUNT FOR CASH OR ASSETS  
163 PLACED INTO IT PERIODICALLY. SUCH FUNDS ARE ACCUMULATED FOR THE  
164 PURPOSE OF RECYCLING PROMOTION. ALL EXPENDITURES OF THESE FUNDS  
165 MUST BE MADE BY AN APPROPRIATION ORDINANCE.]

166

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167 Section 10. General Fund Appropriation. The FY 2009-10 budget is  
168 hereby amended by appropriating \$65,000 to the General Fund budgetary guideline  
169 entitled Contribution to Solid Waste Enterprise Project Fund and by increasing  
170 Contribution from Fund Balance by a like amount.

171  
172 Section 11. Solid Waste Enterprise Project Fund Appropriation. The FY  
173 2009-10 budget is hereby amended by appropriating \$65,000 to the Solid Waste  
174 Enterprise Project Fund budgetary guideline entitled "Borough Recycling" and by  
175 increasing Contribution from General Fund by a like amount.

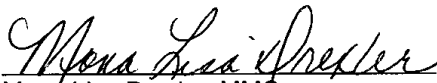
176  
177 Section 12. Lapse of Funds. Upon completion or abandonment of the  
178 project, any unexpended, unencumbered funds will lapse to the General Fund fund  
179 balance.

180  
181 Section 13. Effective Date. This ordinance shall be effective at 5:00 p.m.  
182 of the first Borough business day following its adoption.

183  
184 PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF SEPTEMBER 2009.  
185

  
Nadine Winters  
Presiding Officer

ATTEST:

  
Mona Lisa Drexler, MMC  
Municipal Borough Clerk

186  
187 Ayes: Brown, Beck, Blanchard II, Musick, Sattley, Stringer, Hopkins, Wilson, Winters  
188 Noes: None

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